

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Plaintiff

No. 1:23-CV-00129-DAE

**LILLIAN MILLS, IN HER
OFFICIAL CAPACITY AS DEAN
OF THE MCCOMBS SCHOOL OF
BUSINESS AT THE UNIVERSITY
OF TEXAS AT AUSTIN; ETHAN
BURRIS, IN HIS OFFICIAL
CAPACITY AS SENIOR
ASSOCIATE DEAN FOR
ACADEMIC AFFAIRS OF THE
MCCOMBS SCHOOL OF
BUSINESS AT THE UNIVERSITY
OF TEXAS-AUSTIN; AND
SHERIDAN TITMAN, IN HIS
OFFICIAL CAPACITY AS
FINANCE DEPARTMENT CHAIR
FOR THE MCCOMBS SCHOOL
OF BUSINESS AT THE
UNIVERSITY OF TEXAS-
AUSTIN;**

Defendants

ORDER

Before the Court is Plaintiff Richard Lowery's Opposed Motion for Expedited Discovery, Dkt. 16. The District Court referred the motion to the undersigned for disposition. The Court set the motion for a hearing on April 5, 2023. Dkt. 25. After considering all related filings, along with the arguments at that hearing, the Court announced its ruling on the motion on the record, granting in part and denying in part Plaintiff's motion. This Order confirms that ruling.

Plaintiff's motion asks the Court to order expedited discovery to be served in advance of the District Court's consideration of his motion for a preliminary injunction. In particular, Plaintiff seeks: (1) production of emails and texts sent to or from the three Defendants in the case, along with non-parties Jay Hartzell, Nancy Brazzil, and Meeta Kothare, "concerning Lowery's speech, directly or indirectly, dated between June 1, 2022, and November 1, 2022"; and (2) leave to conduct three-hour depositions of the three Defendants, along with non-parties Hartzell and Kothare. The undersigned agrees with Plaintiff that some limited discovery should be provided, but not to the extent Plaintiff requests.

Accordingly, the Court **GRANTS IN PART and DENIES IN PART** Plaintiff's motion, Dkt. 16. The Court **GRANTS** Plaintiff leave to serve up to 10 questions in the form of a deposition on written questions directed at the three Defendants, Mills, Burris, and Titman. The Court likewise **GRANTS** Defendants leave to serve up to 10 DWQs on Plaintiff. The Court **ORDERS** any party served with such a request to respond within 10 days of service. The Court **DENIES** all other relief sought in Plaintiff's motion. The Court confirmed on the record the parties' understanding of the relief awarded here, and the parties gave their assurance that no further clarity on the terms of the Order was needed. Lastly, the referral in this case is **CANCELED**.

SIGNED April 5, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE